

October 7, 2011

VIA FACSIMILE

Honorable James W. Hubert
Supreme Court of the State of New York
Richard J. Daronco Westchester County Courthouse
111 Dr. Martin Luther King, Jr. Boulevard
White Plains, New York 10601

Re: *Mayor and Board of Trustees of the Village of Tarrytown, et al. v.*
Mayor and Board of Trustees of the Village of Sleepy Hollow, et al.
Index No. 11630/11

JOEL H. SACHS
Principal Member
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Also Admitted in FL

Dear Judge Hubert:

This office represents the Respondent Village of Sleepy Hollow et al. in the above-referenced Article 78 proceeding which has been assigned to your Court. We are writing in response to an October 7, 2011 letter to the Court from Katherine Zalantis, Esq. on behalf of the Village of Tarrytown Petitioners seeking a further adjournment of time to submit reply papers. On behalf of the Respondent Sleepy Hollow we strongly oppose such request for an additional adjournment.

Initially, let me state that under ordinary circumstances our office would certainly extend the courtesies of an additional adjournments to opposing counsel for "good cause" and especially to a well-respected law firm such as Silverberg Zalantis. However, in the present situation we must strongly object to such adjournment.

I should note that all my prior discussions regarding a briefing schedule for this matter were held with Ms. Zalantis' partner, Steven Silverberg, Esq. Perhaps that is why Ms. Zalantis rather than Mr. Silverberg is writing the within letter.

To begin with, when the Village of Tarrytown served its Amended Petition upon the Sleepy Hollow and the GM Respondents I had an extensive discussion with Mr. Silverberg concerning a proposed briefing schedule. Mr. Silverberg agreed that the Respondents would submit their opposition papers on September 9, 2011 and Mr. Silverberg thereafter requested that his office be given until September 30, 2011, a period of three weeks to submit reply papers. Although this is a long time for the submission of reply papers we agreed. I also advised Mr. Silverberg that even though Sleepy Hollow papers will not be served until September 9, 2011 that we would

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endeavor to serve upon Mr. Silverberg a copy of the Record of Proceedings in this matter well before the September 9, 2011 date. I also advised Mr. Silverberg that we would agree to any further requests by Petitioners for any adjournment beyond September 30, 2011.

Accordingly on August 31, 2011 our office served upon Mr. Silverberg's office a 12 Volumes of the Record of Proceedings. Interesting, Mr. Silverberg indicated that he probably would not need to utilize any of those 12 volumes since his client's Amended Petition focused on the actions of the Respondents Sleepy Hollow and General Motors that took place in 2011.

Shortly after the Labor Day weekend I contacted Mr. Silverberg and indicated that Respondents needed an additional week to serve our papers in opposition. Mr. Silverberg indicated that he would grant our request for a one week extension but that he would request additional time to serve his reply papers. We had expected that we would give one additional week for reply papers in the same way Mr. Silverberg gave Respondents one additional week for their papers in opposition to be served. However, Mr. Silverberg astoundingly asked for three additional weeks, namely until October 14, 2011 in order to submit his reply papers. Although an exchange of one week to three weeks is not exactly a fair one, we agreed. I also advised Mr. Silverberg that the Sleepy Hollow Respondents (and I believe the GM Respondents) would not grant any further adjournments). He said that he understood our position and would proceed accordingly.

The October 7, 2011 letter from Ms. Zalantis sets forth absolutely no valid reason for a further adjournment of undetermined length. It is clear that the request for a further adjournment is nothing more than a dilatory tactic by the Village of Tarrytown intending to prolong this litigation as long as possible. It is obviously the strategy of Tarrytown to continue litigating this matter as long as possible so as to put a cloud over the development plan which was approved by Respondent Sleepy Hollow on June 7, 2011. We also understand that this litigation cloud is making it more difficult for Respondent GM to find prospective developers for the site.

Clearly, the strategy of the Petitioner Tarrytown is to prolong the litigation in hoping to force the Respondents to agree to a significant reduction in density of the project so as to appease the residents and businesses in the Village of Tarrytown.

Moreover, in spite of what Petitioner's counsel refers to as voluminous papers that have been submitted to the Court, the Village of Tarrytown has known what the issues are from day one, having fully participated in the SEQRA process involving the development proposal. Moreover, and as Tarrytown well knows, the legal issues are quite clear and do not require any further adjournment.

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We will be pleased to discuss situation further with the Court at a conference call on October 11, 2011.

Very truly yours,



Joel H. Sachs

JHS/pe

cc: Steven Silverberg, Esq. (via email)
Attorney for Petitioner

Joshua Kimerling, Esq. (via email)
Attorney for Respondent General Motors Corporation